

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A. K. K.,

Plaintiff,

v.

JEROME SOLOMON, et al.,

Defendants.

Case No. [18-cv-03508-DMR](#)

**ORDER GRANTING MOTION TO
DISMISS FOR LACK OF
JURISDICTION AND DISMISSING
CASE WITHOUT PREJUDICE**

This case involves medical malpractice claims brought by Plaintiff A.K.K. through her guardian ad litem, Ravindar Singh. Plaintiff sues Defendants Jerome Solomon, M.D.; Audrey Ewing, M.D.; Victoria Morgese, M.D.; Laura Paoletti, N.P.; and Queen of the Valley Medical Center for claims related to her 2012 birth.

On June 22, 2018, the United States of America moved for an order substituting the United States for Defendants Solomon, Ewing, and Paoletti and dismissing Plaintiff's claims against the United States pursuant to Federal Rule of Civil Procedure 12(b)(1), arguing that Plaintiff did not exhaust her administrative remedies with respect to the claims against the United States. [Docket No. 8.] On July 19, 2018, Plaintiff filed a statement of non-opposition to the motion and asked the court to dismiss her claims against the government without prejudice. [Docket No. 23.] The motion is granted and Plaintiff's claims against the government are dismissed without prejudice. The court declines to retain jurisdiction over the remaining state law claims for medical negligence against Defendants Morgese and Queen of the Valley Hospital and dismisses those claims without prejudice. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: July 20, 2018

